

Express Mail EU370165000US

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of the	)	File No. SLD -
	)	
Appeal of the Decision of the	)	
	)	
Universal Service Administrator by	)	
the	)	
	)	
Kanawha County School District	)	
	)	
	)	
	)	CC Docket No. 96 - 45
Federal-State Joint Board on	)	
Universal Service	)	
Changes to the Board of Directors of	)	
The National Exchange Carrier	)	
Association, Inc.	)	CC Docket No. 97 - 21

**Appeal  
and  
Request for Expedited Relief  
on behalf of the  
Kanawha County School District**

November 5, 2003

Marlene H Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W Suite TW-A325  
Washington, D C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

Please time stamp the extra copy and return it to me in the enclosed self addressed-stamped envelope

(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number	343261
Funding Year 2003	07/01/2003-06/30/2004
Billed Entity Number	126679
Date of Funding Denial Notice	October 21, 2003
Date of Appeal	November 5, 2003

(2) **SLD Contact Information**

- (a) Currie A. Sutton  
27600 Chagrin Blvd , Ste 260  
Cleveland, OH 44122  
Tel (216) 682 0169  
Fax (216) 514 3337
- (b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)  
27600 Chagrin Blvd , Ste 265  
Cleveland, OH 44122  
Tel (216) 514 4798

(3) **Funding Request Numbers Appealed**

FRN-999900, FRN-999905, FRN-999909

(4) **SLD's Reason for Funding Denial of FRN 999900**

The SLD stated that funding is denied because.

“30% or more of this FRN includes a request for unsubstantiated charges which are ineligible per program rules ”

(5) **The “30% rule” was incorrectly applied by the SLD.**

- a) The Kanawha County School District (Kanawha) prepared and timely filed a FCC Form 471 for telecommunications service with Alltel Communications, Inc. as the vendor. Out of the requested \$4,800.00 per month for telecommunications service, the Applicant supplied documentation of bills in the amount of \$1,390.25 and \$1,551.57. The SLD disallowed the difference stating that it was for ineligible services.
- b) **Exhibit A** is the “billing” that Kanawha submitted to the SLD.
- c) Kanawha. While the District’s request for funding was based on anticipated (estimated) telecommunications usage, Kanawha’s expenses should have been reduced rather than denied. **No E-Rate ineligible expenses were contained in the Applicant’s request.**
- d) The FCC’s 30% rule provides, *in relevant part*, “[i]f 30% or more of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services (including services for ineligible entities or uses), the PIA team will deny the entire Block 5 funding request, even if eligible components are part of the request. If less than 30% of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services, the PIA team will reduce the request by the cost of the ineligible components, and the Funding Commitment Decision Letter will cite the ineligible services for which funds were not committed. If the request is reduced, applicants and service providers must ensure that the SLD is not invoiced for the ineligible items. [Emphasis added] **Here, there are no ineligible expenses included in Kanawha’s USF request.**

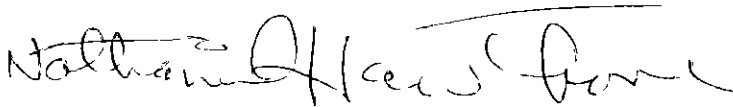
- e) Regarding **FRN-999905**, the amount Applicant requested was an estimated \$250.00 per month; Applicant substantiated \$161.16 per month and, again, there were no ineligible expenses **Exhibit B.**
- f) Regarding **FRN-999909** the amount Applicant requested was \$1,334.20 per month, but substantiated \$851.60 per month. There were no ineligible expenses. **Exhibit C**
- g) Based on the 30% rule and the attached exhibits, there is no factual basis for any of the denials

**Conclusion:**

**Kanawha is Requesting the Following Action by the FCC:**

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN –999900, FRN- 999905, and FRN - 999909
- (b) Set aside funds to totally fund Kanawha's request.

Respectfully submitted,



Nathaniel Hawthorne

District of Columbia Bar No 237693  
27600 Chagrin Blvd , Ste 265  
Cleveland, OH 44122  
tel · 216/514.4798  
e-mail nhawthorne@earthlink.net  
Attorney for  
**Kanawha County School District**

## **EXHIBIT A**

**FAX COVER SHEET**

**To: Amanda Lopes, SLD**

**Fax: 1.973.599.6521**

**From: Currie A. Sutton**

**Date: 7-23-2003**

**Pages: 6 (Including Cover)**

**RE: Kanawha County School District, Application #343261**

**FRN 999900**

**See attached pages 1 through 5 for Alltel Cellular Service documentation.**

**I am still working on the documentation for FRN(s) 999845, 999905, and 999909 and, therefore, ask for additional time until July 29, 2003.**

**Please let me know if this extension will be allowed.**

**Thank you**

**Currie A. Sutton, email: [curries@ameritech.net](mailto:curries@ameritech.net)  
Tel: 216.682.0169 Fax: 216.514.3337**

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One Allied Drive  
Building 4, Second Floor  
Little Rock, AR 72202

ADDRESS SERVICE REQUESTED

KANAWHA COUNTY SCHOOLS

2003 MAY 20 PM 2:54

Bill Date  
Account Number:

MAY 12, 2003

CWB337R

*Thank you for selecting  
ALLTEL  
as your communications  
partner!*

①

PO #3100187

#BWNGTCV  
#CWB337R05127#  
KANAWHA COUNTY SCHOOLS  
JENNIFER  
40 RHL BLVD  
SOUTH CHARLESTON WV 25309



*If you have any  
questions please  
call*

1-800-255-8351  
or \*611

### ALLTEL SERVICE AT-A-GLANCE

Previous Balance	\$4,133.72
Payments Received through 05/12/03	\$ .00
Adjustments Applied through 05/12/03	\$49.48
<b>Total Previous Balance - DUE IMMEDIATELY</b>	<b>\$4,183.20</b>

### CURRENT SERVICES



**WIRELESS** ( 78 lines) \$1,335.18

*Payments received  
after 05/12/03 will  
appear on your next  
statement*

*TDD/TTY or TT service  
for the hearing impaired  
1-800-662-4960*

*ALLTEL now offers  
online billing at  
alltel.com  
Your PIN to  
register is  
114681375*

Total Account Level Charges \$55.07

### CURRENT CHARGES DUE IMMEDIATELY

**\$1,390.25**

### TOTAL AMOUNT DUE

**\$5,573.45**

KEEP



②

### Important Messages

\*\*\*\*\*Wireless Safety Week is May 19-23!\*\*\*\*\*

Visit [www.alltel.com/customer\\_service/wireless\\_safety](http://www.alltel.com/customer_service/wireless_safety) for wireless safety tips

Remember, safety is your most important call. Thank you for being a valued ALLTEL customer.

\*\*\*\*\*Find out how many minutes you've used!\*\*\*\*\*

\*\*\*\*\*Available now when you call 1-800-ALLTEL 11!\*\*\*\*\*

As of May 5, 2003, you can find out how many minutes you've used on your wireless phone any day, any time!

This service is absolutely free when you call 1-800-ALLTEL 1 (1-800-255-8351) from your landline telephone or 611 from your wireless phone and lets you get the latest record of how many of your monthly minutes you've already used on any of the ALLTEL wireless calling plans including Total Freedom, National Freedom, Regional Freedom and Local Freedom. This new service is our way of saying thanks for being a valued ALLTEL customer!

Great things are happening at ALLTEL and upgrading our customer service is just one of them. We look forward to finding even more ways to keep you connected in the future.

#### Important Information for Customers Paying By Check

ALLTEL may convert your payments by check to an electronic automated clearinghouse (ACH) debit transaction. The debit transaction will appear on your bank statement, although your check will not be presented to your financial institution or returned to you. This ACH debit transaction will not enroll you in any ALLTEL automatic debit process and will only occur each time a check is received. Any re-submissions due to insufficient funds may also occur electronically.

Please be aware that all checking transactions will remain secure, and payment by check constitutes acceptance of these terms.

We value your business and appreciate you selecting ALLTEL as your telecommunications provider.

## ACCOUNT SUMMARY

#### • Previous Charges & Credits

Previous Balance	4,133.72
------------------	----------

#### • Payments Applied

#### • Adjustments Applied

Adjustment	Apr 18 03	349.48
Access Adj (Rerate/Chg issue)	May 09 03	300.00CR
Balance Forward		4,183.20

#### • Current Charges & Credits

Service	1,117.79
Main Office Connection	53.70
Usage	15.50
Group Usage Total 7,170.0 MIN	00
Airtime Free 7,170.0 MIN	00

#### • Taxes, Fees & Surcharges

#### • Other Charges and Credits

FEDERAL USF	1.37
REG COST RCVRY FEE	.82
911 SERVICE	89.68
911 SERVICE	35.42
TELCOM CNCTVTY FEE	46.02
FEDERAL USF	29.95

Total Current Charges & Credits	1,390.25
---------------------------------	----------

Total Amount Due Immediately	5,573.45
------------------------------	----------



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BILL PAGE INQUIRY

OKW

SELECT.....: PP BILL: 4 (1 TO 6) PAGE: 00001 LINE: 001  
GRPACCT NBR.: CWB337R RP502000  
SUB-ACCT NBR: SEQ: SVC: CDPD NEI:

Account Number: CWB337R Page 1 of 147

Billing Date: Apr 10, 2003

At-A-Glance

DUE: IMMEDIATELY

Previous	Balance	Payments	Adjustments	Balance Forward	Current Charges	Total Amount Due
	\$4,885.92		\$39.02CR		\$1,886.00	
		\$2,599.18CR		\$2,247.72		\$4,133.72

Important Numbers

°Questions about your bill or service 24 hours a day.....1-800-255-8351

°Reach us from your cellular phone (a free call).....  
.....\*611

°TDD, TTY, or TT service for the hearing impaired.....1-800-662-4960

Important Messages

\*\*\*\*\*Add Security to Your Wireless Phone with Mr. Rescue\*\*\*\*\*

Run out of gas? Lock your keys in your car? Need a tow? Have a flat

1886.00  
- 334.43 Equipment  
-----  
1551.57

4

BILL PAGE INQUIRY

OKW

SELECT.....: PP BILL: 4 (1 TO 6) PAGE: 00002 LINE: 001  
GRPACCT NBR.: CWB337R RP502000  
SUB-ACCT NBR: SEQ: SVC: CDPD NEI:

Account Number: ~~CWB337R~~ Page 2 of 147  
Billing Date: Apr 10, 2003

Account Summary

Previous Charges & Credits

Previous Balance

4,885.92

Payments Applied

Payment

Apr 03 03

2,599.18CR

Adjustments Applied

Balance Transfer

Mar 24 03

39.02CR

Balance Forward

2,247.72

Current Charges & Credits

Service

1,129.58

Main Office Connection

53.70

Main Office Connection (Partial)

2.68

Equipment

~~334.43~~

Usage

158.62

GROUP USAGE TOTAL 10,188.0 MIN

5

SELECT.....: NS BILL: 4 (1 TO 6) PAGE: 00002 LINE: 019 OKW  
GRPACCT NBR.: CWB337R RP502000  
SUB-ACCT NBR: SEQ. SVC: CDPD NEI:  
Airtime Free 8781.0 MIN 0.00  
Airtime Day 1145.0 MIN 0.00  
Airtime Evening 203.0 MIN 0.00  
Airtime Night 59.0 MIN 0.00  
Taxes, Fees & Surcharges  
FEDERAL USF 1.44  
REG COST RCVRY FEE 0.82  
911 SERVICE 89.68  
911 SERVICE 35.42  
TELCOM CNCTVTY FEE 46.02  
FEDERAL USF 33.61  
Total Current Charges & Credits 1,886.00  
Total Amount Due: Immediately 4,133.72

## **EXHIBIT B**

**FAX COVER SHEET**

**To: Amanda Lopes, SLD**

**Fax: 1.973.599.6521**

**From: Currie A. Sutton**

**Date: 7-30-2003**

**Pages: 47 (Including Cover)**

**RE: Kanawha County School District, Application #343261**

**FRN 999845-AT&T**

**See attached pages 1 through 44 for AT&T Service documentation. The bills total \$3,749.19.**

**FRN 999905 – Unity/RAM Technologies, Inc.**

**See attached page 45 for Unity/RAM documentation. The bill totals \$161.16.**

**FRN 999909 – Page 1**

**See attached page 46 for Page 1 documentation. The bill totals 851.60.**

**If you have any further questions, please do not hesitate to call me.**

**Currie A. Sutton, email: [curries@ameritech.net](mailto:curries@ameritech.net)**

**Tel: 216.682.0169**

**Fax: 216.514.3337**

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## **EXHIBIT C**

♦♦♦ **INVOICE**

♦♦♦ **TOTAL DUE 851.60**

Salesperson Ron Lawrence  
 Invoice number 100076  
 Invoice date 6/10/03  
 Customer ID 3716  
 Terms DUE UPON RECEIPT  
 Date shipped  
 Shipped via  
 FOB  
 Prepaid / Collect  
 Tax exempt  
 Reason  
 Exemption no

♦♦♦ **SOLD TO**

Name Kanawha Co Schools  
 Address (line 1) Accounts Payable Supervisor  
 Address (line 2) 200 Elizabeth St  
 City, State or Prov Charleston, WV  
 Postal code, Country 25311-2119  
 Phone  
 Fax  
 Company name

♦♦♦ **SHIPPED TO**

Retype the following only if the name and address are not the same as the SOLD TO name and address

Name  
 Address (line 1)  
 Address (line 2)  
 City, State or Prov  
 Postal code, Country  
 Company name

Please make checks payable to

PAGE 1

REF NO	QTY	DESCRIPTION	PRICE EACH	TOTAL
		Nov Airtime Payment 2001		
		PO #100076 3100035		
	140	Air Time For 120- Pagers	5 89	824 60
		Pagers 556-9301 Thru		
		556-9399		
		Pagers 556-9401 Thru		
		556-9437		
	9	Group Call List	3 00	27 00
	1	Group Call No Charge Metro	N/C	N/C
		Emergency		

**SUBTOTAL 851 60**

Sales tax %

**SHIPPING & HANDLING**

**PAYMENTS**

**PLEASE PAY THIS AMOUNT 851 60**

**TERMS: Due Upon Receipt**

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